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7	Attorneys for Defendant Google Inc.		
8			
9	UNITED STATES DISTRICT COURT		
10	NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION		
11			
12	CLRB HANSON INDUSTRIES, LLC d/b/a	CASE N	O. C O5-03649 JW
13	INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others		E INC.'S NOTICE OF
14	similarly situated,	MOTIO	ISTRATIVE MOTION AND N FOR LEAVE TO FILE
15	Plaintiffs,	CONNE	IENTS UNDER SEAL IN CTION WITH GOOGLE INC.'S
16	V.		TO PLAINTIFFS' CMENTAL OPPOSITION TO
17	GOOGLE, INC.,		E INC.'S MOTION FOR ARY JUDGMENT
18	Defendant.	Date:	June 11, 2007
19		Time: Dept.:	9:00 a.m. Courtroom 8
20		Judge:	Honorable James Ware
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48	Google Inc.'s Notice of Administrative Motion and Motion	ı for Leave to F	ile Documents Under Seal
	CASE NO. 05-03649 JW 41063-0023/LEGAL13270923.1	1 101 120000 10 1	no Documento Onder Dear
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NOTICE OF MOTION AND MOTION 1 TO PLAINTIFFS CLRB HANSON INDUSTRIES, LLC, d/b/a INDUSTRIAL 2 PRINTING, and HOWARD STERN, AND THEIR ATTORNEYS OF RECORD: 3 PLEASE TAKE NOTICE that on June 11, 2007, at 9:00 a.m., or at such later date and 4 time as the Court may order, in Courtroom 8 of the United States District Court for the Northern 5 District of California, San Jose Division, defendant Google Inc. ("Google") will move for an 6 order sealing the following documents filed in connection with Google's Reply to Plaintiffs' 7 Supplemental Opposition to Google's Motion for Summary Judgment: 8 9 1. GOOGLE INC.'S REPLY TO PLAINTIFFS' SUPPLEMENTAL **OPPOSITION TO GOOGLE INC.'S MOTION FOR SUMMARY** 10 JUDGMENT; 11 2. EXHIBITS A – C OF THE SUPPLEMENTAL DECLARATION OF M. CHRISTOPHER JHANG IN SUPPORT OF GOOGLE INC.'S REPLY TO 12 PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO GOOGLE INC.'S 13 MOTION FOR SUMMARY JUDGMENT. 14 15 Dated: May 25, 2007 PERKINS COIE LLP 16 17 By: /S/M. Christopher Jhang 18 Attorneys for Defendant Google Inc. 19 20 21 22 23 24 25 26 27

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

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Pursuant to Federal Rule of Civil Procedure 26(c) and Civil Local Rules 7-11 and 79-5. defendant Google Inc. ("Google") makes this Miscellaneous Administrative Request for an Order allowing Google to file under seal documents filed in connection with Google's Reply to Plaintiffs' Supplemental Opposition to Google's Motion for Summary Judgment.

Specifically, Google requests that the Court file the following documents under seal:

- GOOGLE INC.'S REPLY TO PLAINTIFFS' SUPPLEMENTAL 1. OPPOSITION TO GOOGLE INC.'S MOTION FOR SUMMARY JUDGMENT;
- 2. EXHIBITS A-C OF THE SUPPLEMENTAL DECLARATION OF M. CHRISTOPHER JHANG IN SUPPORT OF GOOGLE INC.'S REPLY TO PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO GOOGLE INC.'S MOTION FOR SUMMARY JUDGMENT.

Good cause exists justifying the filing of the above pleadings and exhibits under seal because these pleading and exhibits contain, discuss, or refer to Google's trade secret and confidential, competitive, and business information. Accordingly, Google could be irreparably harmed if such trade secret and confidential information is made available to the public.

II. ARGUMENT

A. Good Cause Exists to Protect Google's Trade Secret and Confidential Business and Competitive Information.

Upon a showing of good cause, a court may make any order that justice requires to protect a party, including an order "that a trade secret or other confidential research," development, or commercial information not be revealed or be revealed only in a designated way." Fed. R. Civ. P. 26(c)(7). In particular, a court may order that court documents be filed under seal where such good cause is shown to override the public's right to access. See San Jose Mercury News, Inc. v. U.S. Dist. Ct., 187 F.3d 1096, 1103 (9th Cir. 1999). The factors relevant to a determination of whether the presumption of access is overcome include "the public interest in understanding the judicial process and whether disclosure of the material could result in

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improper use of the material for infringement upon trade secrets." Hagestad v. Tragesser, 49			
F.3d 1430, 1433-34 (9 th Cir. 1995) ("Every court has supervisory power over its own records and			
files, and access has been denied where court files might have become a vehicle for improper			
purposes.") (citations and quotations omitted).			
Good cause exists for the Court to grant this Miscellaneous Administrative Request.			
Google seeks to file under seal only the specific documents that it has designated confidential			
because the documents contain, discuss, or refer to Google's trade secret and confidential			
business and competitive information. See Declaration of M. Christopher Jhang in Support of			
Google Inc.'s Motion For Leave to File Documents Under Seal in Connection with Google Inc.'s			
Reply to Plaintiffs' Supplemental Opposition to Google Inc.'s Motion For Summary Judgment,			
¶¶ 2-8. If any of this trade secret or confidential information is not sealed and is permitted to be			
in the public record, Google may suffer irreparable harm if competitors have access to such			
information.			
B. The Request for Filing Under Seal is Narrowly Tailored.			
This Miscellaneous Administrative Request is narrowly tailored to cover only the			
documents to be filed for which good cause for filing under seal exists.			
III. CONCLUSION			
For the reasons set forth above, good cause exists to file the above-referenced documents,			
which contain, discuss, or refer to Google's trade secret and confidential business and			
competitive information, under seal. This request is narrowly tailored to seal only trade secret			
and confidential information. Google respectfully requests that the Court grant its Miscellaneous			
Administrative Request in the form of the [Proposed] Order filed herewith.			
Dated: May 25, 2007 PERKINS COIE LLP			

By: M. Christopher Jhang
Attorneys for Defendant Google Inc.

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